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"CHILDREN PREFERRED"

A Study of Child Labor in Pennsylvania



Prepared by
The Bureau of Women and Children
Department of Labor and Industry
Commonwealth of Pennsylvania
1937

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COMMONWEALTH OF PENNSYLVANIA

Department of Labor and Industry

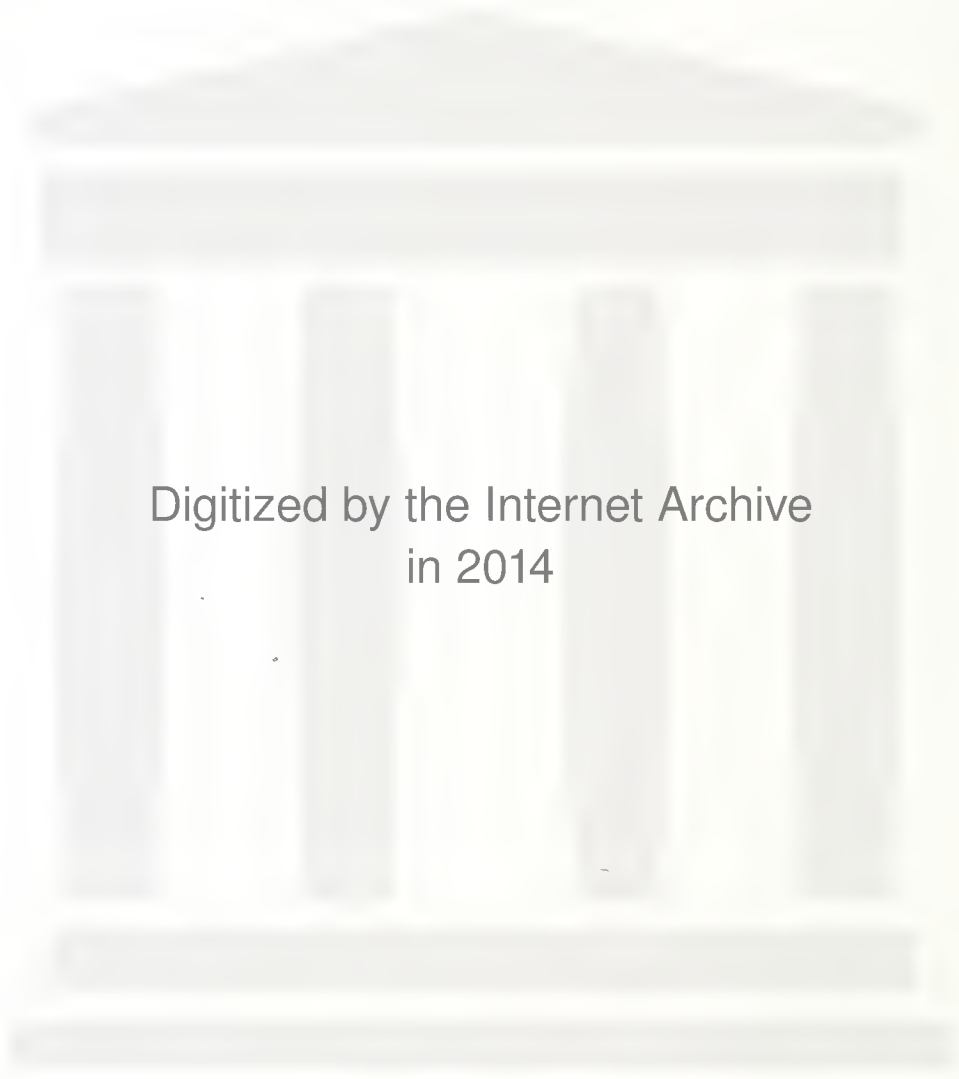
RALPH M. BASHORE, Secretary

Bureau of Women and Children

GERTRUDE R. EMERY, Director

HARRISBURG, PENNSYLVANIA

1937



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“As we take stock, we recognize that the most priceless of our human assets are the young men and women of America—the raw material out of which the United States must shape its future. Nature’s deepest instinct is the concern in every parent’s heart for the welfare of the children. It is a law of nature which equals the instinct for the preservation of life. Indeed, it is a part of that law, for without the preservation of youth, the race itself would perish. And so, the highest duty of any government is to order public affairs so that the opportunities for youth shall be made broader and firmer.”

Franklin D. Roosevelt
October 13, 1936

In 1929, when we were rudely awakened in our industrial "fool's paradise," and theoreticians were pondering upon the baffling problem of machines replacing men, there were in the Commonwealth of Pennsylvania 26,046 children between the ages of 14 and 16 certificated for regular employment—388 children per county. During depression years, although child labor in general decreased, we saw the tragic spectacle of children leaving school to compete with their parents for any kind of job at any price. In some factories, a large percentage of the workers was under sixteen. In the Spring of 1933, in the Lehigh Valley, child workers in the clothing factories struck—the first "baby strike"—as it was called—in the country.

Then came the N.R.A. with child labor control on a national basis. In general, the Codes of Fair Competition established a 16 year minimum for employment and specified an 18 year minimum for hazardous processes. In Pennsylvania, the number of children granted permission to leave school for work dropped to a little less than 7 per cent of the pre-depression level. During the last four months of 1933 not a single work permit was issued to a child under sixteen in Allentown, the city where only a few months before hundreds of "baby shirt-workers" had gone on strike. In 1934, the Bureau of Women and Children made a survey of the cotton garment industry under the N.R.A. covering 12,000 workers. Only two children under 16 were found at work in this industry where, in 1932, one worker in every twenty-five was under 16 years of age. The child labor provisions of the N.R.A. were very effective, and practically eliminated child workers from industry. The removal of those under 16 years of age opened up a larger number of opportunities to the older children from 16 to 18 years.

Transforming an emergency measure into a permanently protective measure, Pennsylvania's legislature amended the Child Labor Law in July, 1935, incorporating the 16 year minimum and requiring employment certificates for those between 16 and 18 years of age. During the school year 1934-35 there had been issued 408 general employment certificates. With the lower age limit fixed by law at 16, at the close of the year 1936 there were 11,764 active general employment certificates in Pennsylvania. This figure does not include the number of permits issued to children above the age of 14 in farm or domestic service, either on a temporary or a permanent basis. These numbered 4339.

AGRICULTURAL CHILD LABOR

Commercialized agriculture in the United States involves more than twice as many child workers as all other occupations together. Our Pennsylvania Child Labor Law does not afford protection to these immature laborers for it contains a specific exemption for farm work and domestic service. Our school law, however, has a provision (Section 1416 of the School Code) requiring a permit from the school authorities for the employment of children 14 and 15 years of age during school hours in farm work or domestic service in private homes. An inquiry conducted by Dr. Donald Davis of the State Department of Public Instruction¹ reveals that from July 1 to December 31, 1936, in 21.3 per cent of school districts granting permits, at least one out of every five pupils 14 and 15 years of age was excused from school attendance for farm or domestic service. The thirteen counties issuing the greatest number of permits to children 14 and 15 years of age were all agricultural counties extending from the south central portion of the State, northwestward to the central part of the State except one eastern county where both agriculture and manufacturing are important industries. Act No. 478, July 1, 1937, amends the School Code and now prohibits farm and domestic permits to any child under 15.

Valuable time in school is lost, not to mention the injurious effects of employment at heavy labor during physical immaturity. Then there is the distressing problem of migratory child labor with problems confronting school and labor law enforcement authorities, not only of the State to which children migrate but also of the State of their residence. Into Pennsylvania each year come children of all ages for the harvesting, packing, and canning of fruits and vegetables. From Philadelphia go many children into New Jersey into the cranberry bogs and into fruit and truck farming. Living conditions in the labor camps do not foster good health or good morals. In recent times conditions have rivalled those of the city slums, but in Pennsylvania public opinion has worked much improvement.

Family groups are hired independently, or on a contract basis, migrating from one section to another, often not returning to their homes until late in November. There are so many hundreds of children available and their services are illegally drafted when great crops must be garnered under heavy pressure of time.

¹Research Service in Education, Circular No. 3, 1937.



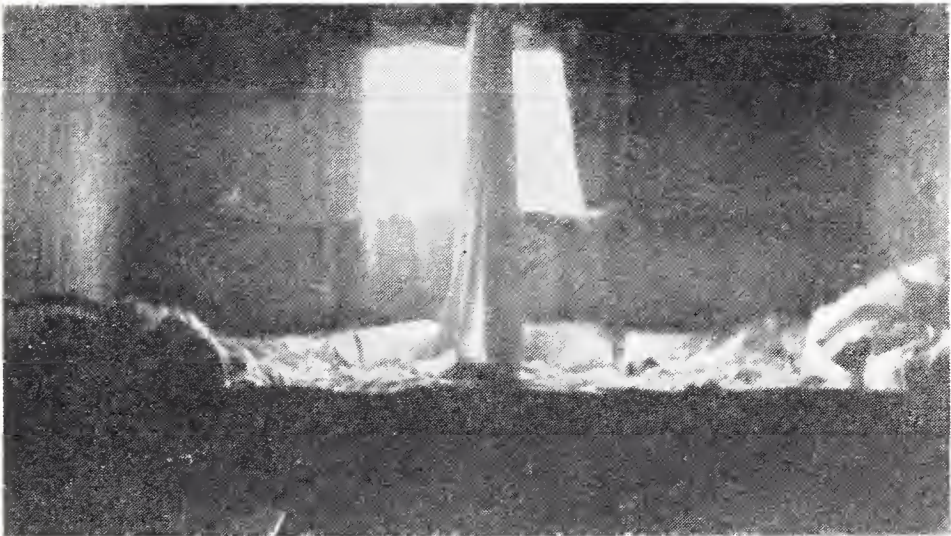
"Contract family labor" from early spring until late fall.



Small children of migrant parents help to pick fruits or vegetables for canning.



Sunny skies and open fields are preferable to the dilapidated unsanitary labor camp.

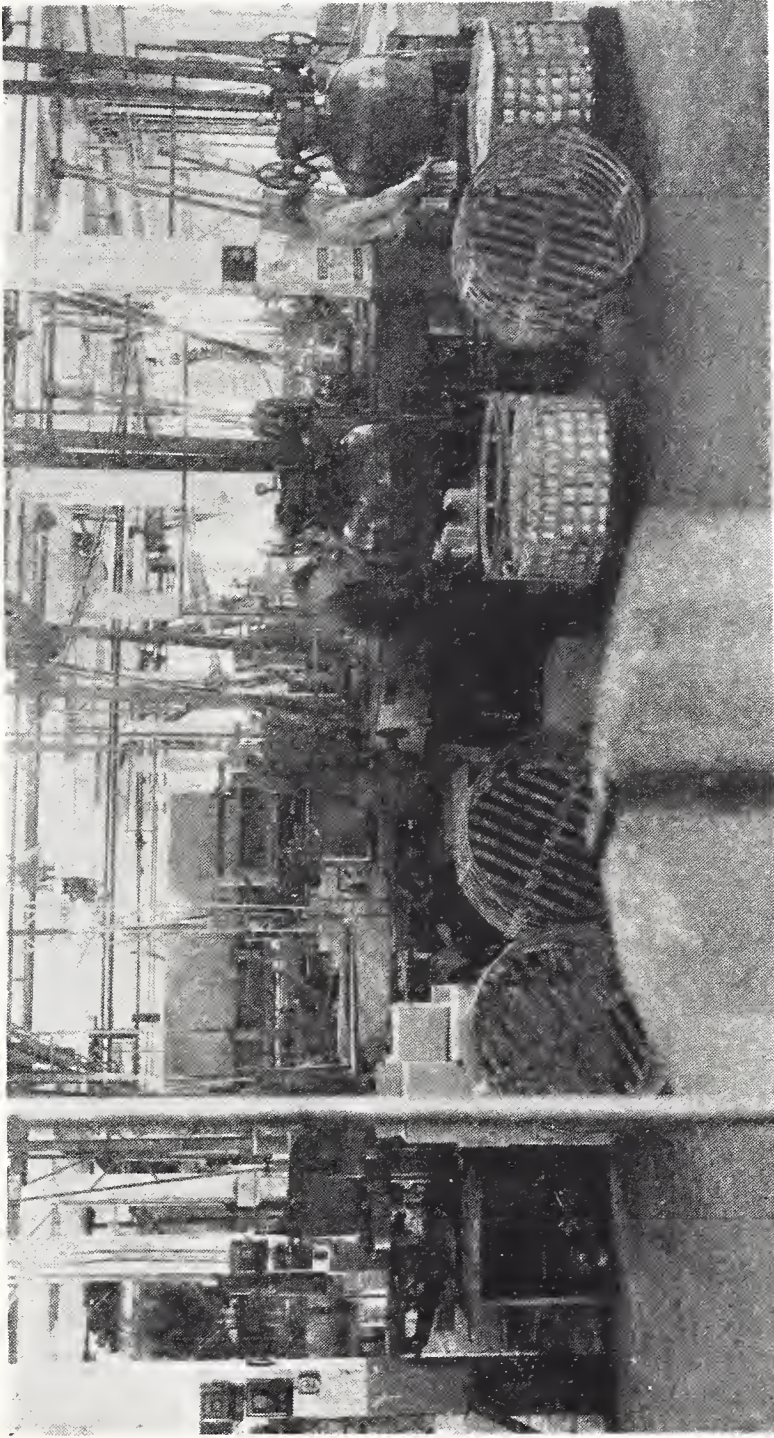


A single straw-filled manger serves as a bed for an entire family in a labor camp during canning season. The suspended sheet serves as a partition between boys and girls. One room to a family is the rule.



This boy of 15 hires out as a regular hand by the day.

The introduction of modern machinery into canning, and the unsatisfactory nature of the labor of children under 18, has led to the adoption among many canners of an 18 year minimum for workers within the plants, but there still remains the unsolved problem of child labor in commercialized agriculture.



Labor saving machinery has replaced youthful labor in the modern cannery.

CHILD LABOR IN INDUSTRIAL HOME WORK

Another problem of interstate proportions in which child labor plays a serious role is in industrial home work. Here again is the story of very small children kept out of school to engage in operations which childish hands can perform, such as carding of hooks, eyes, and bobby pins, "embroidering" curtain rings, making paper novelties, stripping tobacco, stringing tags, etc. etc.

Many firms escaping rigid legal control in neighboring states, send their work across Pennsylvania's borders into thousands of homes, paying pitiful wages which many times supplement relief grants. Mothers claim that the labor of the children is a necessary factor in the family wage. Two recent studies by the Bureau give current facts and figures on this parasite of our industrial system.¹

ACT 176, PASSED MAY 18, 1937, AND EFFECTIVE SEPTEMBER 1, 1937, AIMS AT THE EVILS OF THE SYSTEM BY ESTABLISHING RIGID CONTROL UNTIL THE TIME WHEN IT MAY BE COMPLETELY ABOLISHED FROM THE COMMONWEALTH.

THE "LITTLE MERCHANTS" OF THE STREET TRADES

Although the Pennsylvania Child Labor Law safeguards minors up to 21 years of age from dangerous occupations, from too early withdrawal from school, and from excessively long hours of labor, children in the street trades—selling and distributing newspapers and magazines, selling candy, and bootblacking, etc.—have meager protection. It is an industry in which the younger children have a monopoly. Our child labor law prohibits boys under 12 from newspaper selling, and under 14, other commodities. In spite of the joint efforts of the Department of Labor and Industry, the local police, and the Department of Public Instruction, violations are very frequent. Problems of effective enforcement seem insuperable. Moreover, by the simple expedient of placing the children on a commission basis, they become "independent contractors" and not employees, and thereby employers are permitted to evade liability for compensation for injury as well as responsibility for compliance with the provisions of the

¹Bureau of Women and Children, *Industrial Home Work in Pennsylvania in 1936*.
Bureau of Women and Children, *Three Cents An Hour* (An intimate study of industrial home work in Pennsylvania.)

law regarding age and hours of work. Any lad over 12 years of age may become a "little merchant".

Dangers of street trades are obviously great: exposure to traffic hazards and to inclement weather; loitering in the streets until late hours; loss of sleep and consequent fatigue during school hours; lack of regular meals; over-stimulation of the life of city streets; possibility of acquiring bad associates and incurring moral temptation. Juvenile court statistics reveal the high rate of delinquency found among boys who sell newspapers. Warden Lawes has made the statement that 69 per cent of the convicts in Sing Sing had sold newspapers in their youth.

A study made by the New York Tuberculosis and Health Association of a thousand newsboys of that city cites the serious frequency of cardiac diseases, orthopedic defects, and throat ailments.¹

One is struck with the strange inconsistency in law-making which surrounds other minors up to 18 and even 21 years of age with protective measures, but regards as nearly as responsible as adults, children as young as 12 years. The Bureau of Women and Children urgently recommends the amendment of the Child Labor Law to raise the minimum age at which children may be employed in any street trade to 16 years.

Johnnie P., aged nearly 12, is one of a family of seven children. He became a "newsie" at the age of ten. His pitifully small earnings of 15 cents per day are taken home to his mother to help buy his school clothes. He begins work at 6 A. M. and his forlorn little figure is often seen on the streets after dark when more fortunate boys have had a good supper and are ready for bed.

At 5:55 A. M. one Sunday morning, fourteen-year-old Bobbie T. was riding on the running board of a delivery truck, dropping off bundles of newspapers on street corners. The driver hit the curb, and Bobbie was thrown off violently. For one week he lay in the hospital with concussion of the brain, and then he died. As his mother did not depend wholly upon his assistance, there is still a question—after nearly two years of litigation—of what this boy's life was worth. On four counts in Bobbie's case was the Child Labor Law violated.

Thomas, nine years of age, has ten brothers and sisters, seven of whom are peanut venders the year 'round. He has been selling in the streets for three or four years, earning usually about 30 cents a day, which his father applies to his insurance policy or toward his clothes for school. He says, "My father is a metal lather, but he was laid off his job. We were on relief but we were laid off that too." Thomas trudges the streets during vacation days from 8 A. M. until midday when he goes home for something to eat. Many nights he stays out supperless until midnight. "I don't get very hungry," he says, "and sometimes when I go home there is nothing to eat. The other night it was hot and people in the park did not go home to bed. I did not get home until 1:15 A. M. I sold 45 bags." Thomas is paid one cent a bag.

¹"The Health of a Thousand Newsboys in New York City"—a study by the New York Tuberculosis and Health Association.

**“LITTLE MERCHANTS” OF
THE STREET TRADES**

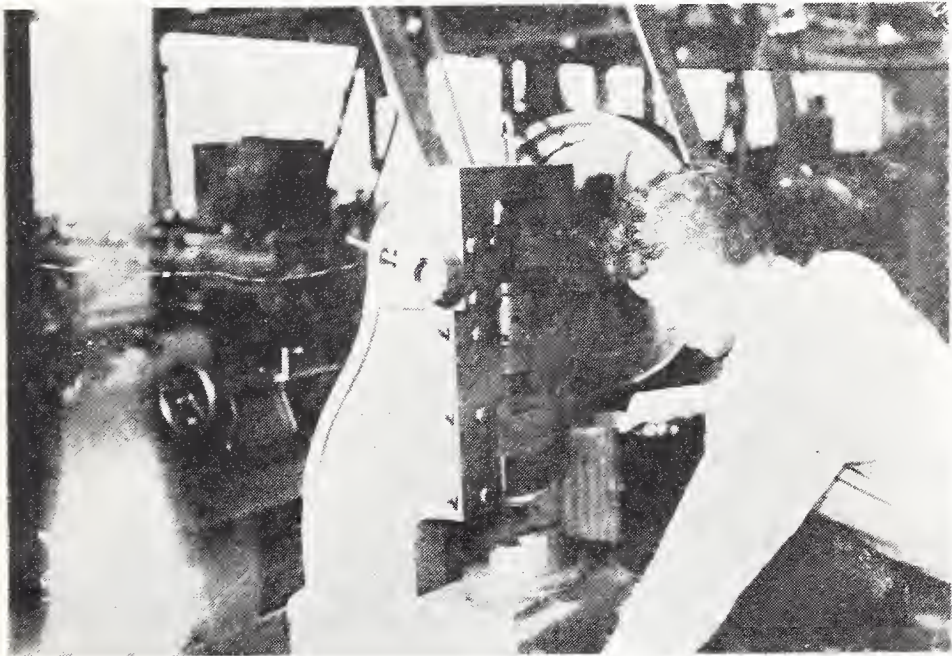


CHILDREN AND MACHINES

A study of 1148 injuries occurring to children under 18 in Pennsylvania in 1936 reveals that in 577 cases investigated because of indication of illegal employment, 365 injured minors were not certificated for their jobs as required by law; 216 of the injured were working in direct violation of hour provisions of the law; and 52 injuries occurred in hazardous occupations prohibited to minors. (It must be noted that many cases of accidents to minors involve more than one violation of the Child Labor Law.) In Pennsylvania, any minor who is illegally employed, as were those above mentioned, shall be paid double the amount of compensation payable to him if he were injured while legally employed. Fear of losing their jobs impelled 214 minors to refuse payment of indemnity.

A total amount of indemnity paid to 202 injured minors for 1936 was \$11,468.84.

This picture suggests several disturbing things. It suggests that many more minors than those who receive injuries are illegally employed and not receiving the protection of the Child Labor Law. It points to a weakness in the enforcement of the employment certificate system. It indicates that more than a legit-



Punch presses, dangerous even to adults, cause a large percentage of the total of injuries to minors.

imate number of accidents are occurring during illegal hours, possibly in night work. It suggests the need for raising the standards regarding hazardous occupations for children contained in our Child Labor Law.

Steven, an experienced boy, is six feet tall so he appears to be nineteen years old, which is the age he gave his employer, a toy manufacturer. However, he is just seventeen and hardly should have been working from 5:30 P. M. until 5 A. M., nor operating a punch press. Operating a punch press is hazardous enough for an adult, and results in many accidents even though the machine is guarded. While Steven was forming a roof for a toy house, the sweep guard on his punch press failed to operate, so that when the roof stuck in the die and he tried to remove it, he suffered an amputation of the entire second and third fingers, and half of the fourth, or little finger, of his right hand. This lad was compensated for his injury by receiving \$11.73 per week for 57½ weeks, but his loss is permanent and carries with it an occupational handicap for the remainder of his life.

Michael was a behavior problem. He had robbed a store. His mother wanted to keep him out of trouble so she falsified the date on his birth certificate, and deceived the secretary of the school board who sanctioned his going to work in a mine without an employment certificate. After three months of working under the supervision of his father, who had been a miner for thirty-five years, "Mike" was pinned under falling coal and sustained a fracture of the fifth lumbar vertebra. He will not be able to work for many months. His mother blames herself for wrongdoing in telling a lie to secure employment for him, and refuses to accept compensation for the boy's injury.

On the second day she worked—in a fur dressing and dyeing establishment—Mary cut off the tips of her fingers. Her friend had secured the job for her, saying that Mary was eighteen years of age, so her employer had not felt it necessary to ask for further proof. She is actually 14 years of age. Moreover, he was not aware that this mechanical occupation is forbidden for her by a provision of the Child Labor Law, and that for this illegal employment of a minor he must pay double compensation.

Seventeen-year-old Jack M. secured a job without an employment certificate in an occupation which is prohibited for a boy of his age except under proper supervision. His left hand was caught in a punch press and the fingers crushed. The cost to his employer was \$225, the amount of double compensation awarded to this lad for his permanent injury.

One fateful day Tony S. climbed to the top of a tumblast machine to put on a belt. His foreman, who had given the order, was busy on the other side of the machine taking inventory of some castings. Tony's arm caught between the belt and the pulley and was so badly mangled that it had to be amputated. It was then discovered that Tony had no employment certificate. For violation of the Child Labor Law by his employer, Tony "netted" \$2,674.60, the loss of his job, and the loss of a limb.

Pete at 14 became a helper on a bakery truck at \$1 per week. One day he was thrown off violently and severely injured. After long sojourn in the hospital, the nerves of his face are still paralyzed. His employer had failed to make any report of the case. Contesting the case for double indemnity, he denied that the child was in his employ, stating that Pete "was just stealing a ride." There was no employment certificate. Pete's recovery and his compensation are still in question.

Rosa secured a job at a pants factory by declaring that she was past 18, when in reality she was only fifteen. One day while the machinery was being repaired during the lunch period, and the power was on, Rosa was in the work room. Although the machines were guarded, her hair caught in a revolving shaft, as a result of which she was completely scalped. She will have to remain in the hospital for many months to come, and the double indemnity paid to her because of illegal employment will hardly compensate for the disfigurement for the rest of her life.

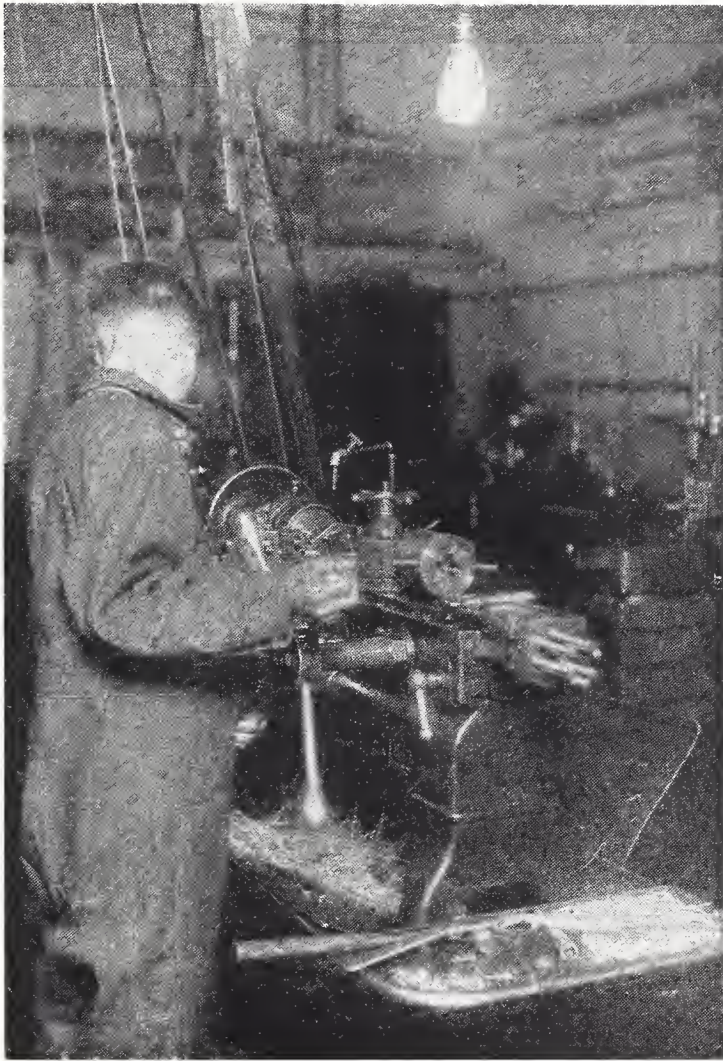


A lifelong handicap was inflicted upon Rosa on her very first job!

Harry was hired by the richest man in town to make repairs on a leaking skylight of a store building. There was no agreement as to the amount he was to be paid. One half hour later, Harry slipped and fell, breaking his ankle. Mr. K. refused to allow him to be sent to the hospital, and refused to be responsible for payment to the doctor.



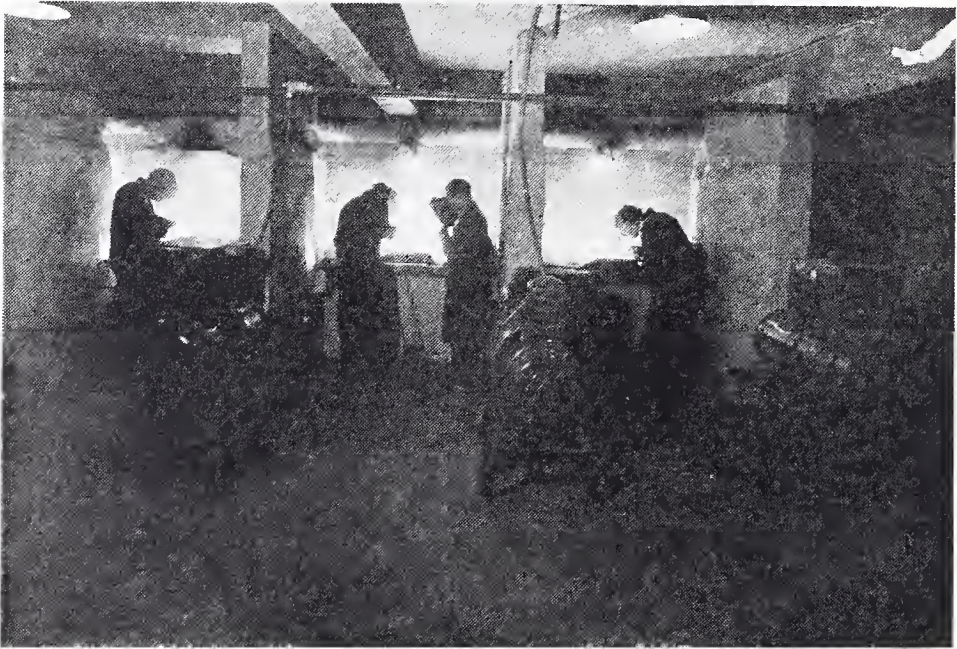
After being laid up for three months, it is feared that the ankle will have to be reset. Mr. K. instructed Harry to tell the representatives of the insurance company that he was employed at \$2 per day for a 5½ day week. Harry says, "I was in bed, and scared, and I signed the paper."



This lad acquires familiarity with dangerous processes in pre-job training.

RETRAINING AND REHABILITATION

Eighty-nine individuals from a total of 530 who were rehabilitated by the Department of Labor and Industry during the fiscal year 1935-1936 were under 21 years of age. The handicap of 40 of these 89 minors resulted from injury while on the job.



Boys handicapped because of injuries in industry receiving a special course in welding.

Pat left high school in his freshman year at the age of 16. He worked at successive odd jobs; delivered packages on his bicycle; cleaned bobbins in a mill; drove a truck; helped to build a dam; worked in a quarry; helped put in a chain for a convèyer, etc. Finally at 19 and stating his age as 21 years, he secured a job in a steel plant where a piece of steel was driven through his eye. "My compensation amounted," he says, "to \$30 and hospital bills." On his next job he was again injured. When the foreman on a road construction job left him in charge of dynamiting to go to assure himself that no one within 100 yards was injured, Pat was hit by falling rock. The entire left side of his body, including his left hand, was paralyzed. Aided by the Bureau of Rehabilitation of the Department of Labor and Industry, he is now receiving vocational training which will fit him for a job in spite of his handicap.



Aided by the Bureau of Rehabilitation, Pat takes a course in welding. His happy smile reflects his satisfaction over the prospect of being placed in a job for which he is trained.

SWEATSHOP CHILDREN

No more tragic evidence of mis-use of the labor of minors can be found than in the deliberate advantage taken by manufacturers in the State in the employment of unskilled labor classed as "learners." Notwithstanding the fact of the shortage of certain kinds of skilled labor, inexperienced workers are given preference over unemployed experienced ones in the scramble for "cheap labor". Unemployed experienced workers are offered "learner" rates. While under the Codes of Fair Competition the percentage of learners was controlled, with the scrapping of the N.R.A. we find many factories whose entire operating force consists of "learners". There is no recognized period of apprenticeship and no general practice as to method and rates of pay.

Stories told by workers attest to evils surrounding this haphazard scheme. Investigation by the Bureau of Women and Children reveals many hundreds of youths dissatisfied, wandering blindly from one "sweatshop" to another. Vocationally untrained, they feel keenly that a grave injustice has been done them. Often bitterness or apathy is expressed, especially when they tell of great numbers of their fellow-workers being "let out for a fresh batch of beginners", or when they are told by the employer that they "need not stick as there are plenty more who want jobs." In their dissatisfactions, the minds of these youths give ready acceptance to radical thought.

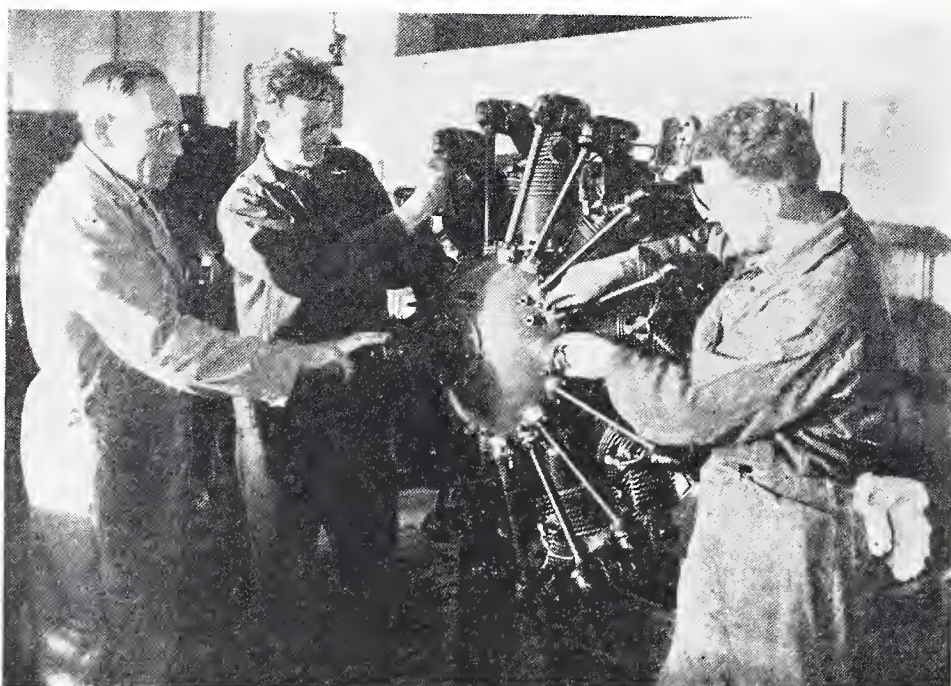
In 1935, when Dick P. had nearly completed his course in printing in the High School, he was asked what he intended to do after graduation. Knowing the dearth of opportunities for himself and his classmates, he said, "I don't know what they'll do with us. I guess they'll have to bump us off." Dick found a job at a hosiery mill where he worked as a learner for six weeks without pay, then for three months at \$8 per week, and finally for four or five months at \$13. He was "helper" for a knitter who would ask him to attend to his machines while he left his post. The knitter received a bonus on the amount produced. Dick quit his job. He did odd jobs for a time—helped to set up amplifiers in dance halls, became a Western Union messenger at intervals, delivered packages for a store, and finally got a job as a day laborer. Finally there came an opportunity to become an apprentice in the trade in which he had had some vocational training. Although he regrets his years of "trial and error", he is confident that he will now progress in his job, and he "feels sorry for his friends who are still going from one job to another and getting nowhere."

Betty G. had no specific vocational training in High School, so when she graduated she got a job in a hosiery mill where she worked for six weeks without pay as a "learner". After a period of five months at \$8 per week she was discharged. She found another job in a mill manufacturing men's shirts and shorts. "They drove us like mad," she says. "It was a strain getting the power out of those machines. They were supposed to be new machines, but I think they were old ones fixed up. All we could make was \$1.50 per day. The 'goring girls' and the 'beltsetters' could make out pretty well because their machines had a folder which helped. They could make \$3 a day." Then production became slack, and Betty made several trips to the factory daily, only to be told to "come back later" in the day. Another plant opened, manufacturing women's underclothing. Betty and her friends were again taken on as "learners" at \$5 per week. After four weeks, she was put on piece rates. On one operation she received 5 cents per dozen garments. She could turn out only two "bundles" of six dozens each which netted her 60 cents for the day's work. Some of the other girls left, but Betty protested to her forewoman, telling her that she could not live on earnings so low. As a result, she was given work which enabled her to earn \$9 per week for a while. But the cheaper operations had to be performed, so in order to keep the girls from quitting, the owners offered them a guarantee of \$2.25 per day, at the same time scaling down the rates on other operations. (In this plant the manager admitted to a labor turnover of more than 100 per cent in a six months' period.) Says Betty, "If I could find a better job anywhere, I'd leave."

Lois studied home economics at High School, and upon graduation entered domestic service at \$5 per week. She worked long hours, but returned to her home at night. Then her pay was reduced to \$2.50 per week, so she found a factory job making paper novelties at piece rates. She could make \$10 to \$12 per week but was "laid off" when work became slack. She found a job in the plant from which Betty G. had been "laid off because the work was slack." Lois received \$8 per week for the first six weeks' work, and then was paid \$13 per week. She says, "We were expected to turn out 54 dozen garments in a day, but no girl could do more than 40 dozen. We stitched all day long as hard as we could go. The bosses stood behind our chairs. I almost fainted and was so nervous at night I cried. But I could not turn out enough dozens, and they let me go. Sometimes I made 85 cents per day, and sometimes \$3 if the work was easier. Now I am working for a leather company on a day rate, 5 days per week, and 8 hours a day. I make \$16 a week, and the boss does not drive us. They have 500 girls working there, and they all like the place."



Boys of post-High School age receiving "retraining" in machine shop practice in a central Pennsylvania High School.



Free instruction in aviation mechanics for out-of-school, but unemployed youth.

HOW FAR WE HAVE COME

While the General Assembly sat in 1937, legislation was enacted which places Pennsylvania in the ranks of the most liberal states, and records a real advance in child welfare. A number of these laws will have far-reaching effect upon the industrial life of minor children in the Commonwealth.

ACT NO. 248, PASSED MAY 27, 1937, INSURES MINIMUM FAIR WAGES TO MINORS, GIVING THE DEPARTMENT OF LABOR AND INDUSTRY CONTROL AGAINST EXPLOITATION OF THE LABOR OF MINORS.

ACT NO. 315, PASSED JUNE 2, 1937, PROVIDES FOR SPECIAL TRADE, INDUSTRIAL AND COMMERCIAL TRAINING, AND OCCUPATIONAL ADJUSTMENT OFFICES IN PUBLIC SCHOOL DISTRICTS IN COOPERATION WITH THE STATE EMPLOYMENT SERVICE.

ACT NO. 478, PASSED JUNE 4, 1937, RAISES THE AGE OF SCHOOL-LEAVING TO 18 YEARS FOR ALL YOUNG PERSONS NOT USEFULLY EMPLOYED, UNLESS THEY ARE MENTALLY OR PHYSICALLY INCAPABLE OF PROFITING FROM THE INSTRUCTION. IT PLACES A VERY DEFINITE RESPONSIBILITY UPON SCHOOL AUTHORITIES FOR DEVELOPMENT OF TRAINING WHICH WILL FIT YOUNG PERSONS FOR JOBS WHEN THEY LEAVE HIGH SCHOOL. THE SPECTACLE OF THOUSANDS OF IDLE OR EXPLOITED YOUTHS IN THE COMMONWEALTH HAS TAUGHT A MEMORABLE LESSON TO THEIR ELDERS.

ACT NO. 323, EFFECTIVE JANUARY 1, 1938, PROVIDES FOR AN INCREASE IN MINIMUM AND MAXIMUM RATES OF COMPENSATION FOR MINORS, AS WELL AS ADULTS, INJURED IN INDUSTRY. AFFECTING MINORS IS A PROVISION THAT IF DISABILITY CONTINUES AFTER AGE 21 HIS AVERAGE WEEKLY WAGE FOR DETERMINING COMPENSATION PAYABLE SHALL BE DETERMINED ON THE BASIS OF THE EARNINGS THAT SUCH MINOR, IF NOT DISABLED, PROBABLY WOULD EARN AT THE AGE OF 21 YEARS.

BRIEF HISTORY OF CHILDREN'S RIGHTS

- 1597 During Queen Elizabeth's reign, the Poor Law called for employment of children "to accustom them to labor and to afford a prophylactic against vagabonds and paupers."
- 1767 Colonists enacted similar laws, while Puritan religion which held all idleness wicked served to enslave children in their own homes. The spinning craze swept the country. Neill, in his "Virginia Carolorum" says, "Child workers were imported from England in boat loads, as many as 15,000 per year." The Governor of New York boasted, "Every house swarms with children set to work as soon as they could spin or card." Bradford wrote, "Many children, having learned to bear ye yoke in the'r youth, and willing to bear part of their parent's burden, were oftentimes so oppressed with their hevie labors that though their minds were free and willing, yet their bodies were bowed under ye weight of ye same, and became decreped in their early youth."
- 1808 Already in industry, children were employed on a large scale in the factories which quickly sprang up in the 18th cent.
- 1820 By this time, according to the Digest of Manufacturers, children constituted 43 per cent of the labor force of textile mills in Massachusetts and 55 per cent in Rhode Island.
- 1842 Massachusetts prescribed a 10 hour day for children under 12. Connecticut fixed a 10 hour day for children under 14.
- 1848 First minimum age law was enacted by Pennsylvania, barring children under 12 years from factories. Minimum age was raised to 13 the following year.
- 1853 Rhode Island set a 12 year minimum.
- 1855 Connecticut prohibited the employment of children under 9!
- 1866 Massachusetts, lagging, set a 10 year limit for manufacturing.
- 1894 The country had climbed from fourth to first place in industrial output, the volume having multiplied 20 times! The rise was phenomenal in those industries employing child labor extensively. In 1887, Alabama passed a law establishing a 14 year minimum. and an 8 hour day for children from 14 to 18, but this was repealed—no doubt at the instigation of Northern manufacturers.
- 1904 The National Child Labor Committee was formed by the author of the defeated Alabama law, the Reverend Edgar Gardner Murphy, who concluded that the problem was a nation-wide one. Such distinguished humanitarians as Dr. Felix Adler, Jane Addams, Grover Cleveland, Charles W. Eliot, Cardinal Gibbons, Florence Kelley, Adolph Ochs, and Lillian Wald were on its roster.
- 1907 The late Senator Beveridge made a three day speech in the Senate which was an impassioned plea for Federal protection for child workers. Although public indignation was aroused, Congress made no move to pass child labor legislation until 1916.
- 1916 Congress passed the first Federal Child Labor Law, prohibiting the shipment in interstate, or in foreign commerce, goods produced in mines or quarries in which children under 16 had labored, or in mills, canneries, workshops, factories, or manufacturing establishments in which children 14 to 16 years of age worked more than 8 hours per day, or more than 6 days per week, or from 7 p. m. to 6 a. m. This law was declared unconstitutional by the United States Supreme Court in a five to four decision, June 3, 1918. Justice Holmes, dissenting, said, "If there is any matter upon which civilized countries have agreed, far more unanimously than in regard to intoxicants and some other matters over which this country is emotionally aroused, it is the evil of premature and excessive child labor."

- 1919 A second attempt was made to pass a Federal law, imposing a tax upon profits of all mines and manufacturing establishments employing children in violation of the standards set up by the original child labor law. This law was also declared unconstitutional by the Supreme Court in 1922, in an eight to one decision, Chief Justice William Howard Taft voicing the opinion that, "this so-called excise tax was a penalty to coerce the people of a State to act in regard to a matter completely the business of the States." It is interesting to note the statement of Dean Wiley Rutledge, "The interstate commerce clause was used to prohibit traffic in lottery tickets, impure foods and drugs, obscene matters, and intoxicating liquors, and also the use of the taxing power to destroy had previously been used by the Court when it sustained the action of Congress in driving State and private issues of currency out of existence." It is also interesting to note that the North Carolina lad on whose behalf the suit had been brought against the first Federal Law in 1918, had vowed, in an interview with a New York newspaper reporter, that his little sister would not follow in his footsteps. He was then 19, had worked since he was 12 years old, 12 hours per day. His weight was 105 pounds, and his growth was stunted by his long hours of labor in dust and lint.
- 1924 Twenty organizations of national scope drafted a Child Labor Amendment. Among them, the National Child Labor Committee, National Consumers' League, League of Women Voters, and American Federation of Labor. From them, a lay committee consulted distinguished constitutional lawyers, including Roscoe Pound, Dean of the Harvard Law School; Newton Baker; Professor Ernst Freund, of the University of Chicago Law School; and Professor Joseph Chamberlain of the Columbia University Law School. After many conferences between the legal advisors of the lay committee and the Senate Judiciary Committee, which included George Wharton Pepper of Pennsylvania, the late Thomas J. Walsh of Montana, and Samuel Shortridge of California, the wording of the amendment was agreed upon.
- The phrasing is simple:
- Section 1. The Congress shall have the power to limit, regulate, and prohibit the labor of persons under 18 years of age.
- Section II. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress. The Amendment passed the House by a vote of 297 to 69, and the Senate by a vote of 61 to 23.
- 1924-25 Failing to prevent the passage of the Amendment, the Manufacturers' Association concentrated its campaign in the three key states, New York, Massachusetts, and Pennsylvania. In Massachusetts, the "Committee to Protect Our Homes and Our Children," misleading the electorate as to the real purpose of the Amendment, claimed that it was "to nationalize all American children under 18 years and remove them from the control of their parents."
- In New York both parties promised support in the 1924 campaign. Governor Smith declared for ratification, but at the show-down recommended a referendum. This measure did not pass the legislature.
- 1925-26 Arkansas, Arizona, California, and Wisconsin—none primarily industrial states—ratified the Amendment.
- 1927 Montana ratified.
- 1931 Colorado disinterred the measure and ratified.
- 1933 While the total number of working children dropped during the depression, there was a shocking influx of children into the mills. In Connecticut the number of employed minors 16 and 17 years old increased 123 per cent; in Rhode Island, 238 per cent; Pennsylvania

child workers increased 62 per cent; and Massachusetts, 52 per cent. Children were working while their elders were in bread-lines. Wages ran as low as \$1 and \$2 per week, and even less. Pennsylvania and other states, such as Mississippi, witnessed a bid for industries from other states under agreements which resulted in sub-standard wages and exploitation of youth, sometimes under the guise of training programs. Young workers in the Lehigh Valley of Pennsylvania staged the first "baby strike," as it was called, in the country. The Pennsylvania legislature made the gesture of ordering an investigation, but voted no funds. A minority of the "Joint Committee to Investigate Wages and Labor Conditions of Children in the Commonwealth," dissented from the recommendations of the majority, and, headed by Senator G. Mason Owlett, stated in a report to the Assembly, that "presumably the conditions found were not greater than the so-called 'out-law fringe' that will exist in almost any human activity, not because of lack of adequate legislation, but in spite of any legislation devised, at whatever cost."

PENNSYLVANIA'S ASSEMBLY RATIFIED THE CHILD LABOR AMENDMENT ALONG WITH THIRTEEN OTHER STATES IN 1933—ILLINOIS, IOWA, MAINE, MICHIGAN, MINNESOTA, NEW HAMPSHIRE, NEW JERSEY, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, WASHINGTON, AND WEST VIRGINIA.

1934 This brought a renewal of the campaign of opposition. In January, 1934, the "Sentinels of the Republic" organized a "National Committee for the Protection of Child, Family, School, and Church" for the express purpose of defeating the Child Labor Amendment. They flooded the country with literature misrepresenting the Amendment, corresponded with legislators in states where it was pending, sponsored radio talks, lined up powerful interests, and lobbied in state legislatures.

1933-34-35-36 Probably the most universally approved part of the N.R.A. labor program was the regulation of child labor, prohibiting the employment of minors under 16, and of minors under 18 in hazardous occupations. Invalidation of the N.R.A. brought a return of child labor. Commercialized agriculture, not covered by the codes, was regulated under the A.A.A. Contracts entered into under the Jones-Costigan Act prohibited children under 14 from working in the beet sugar industry, and limited the labor of 14 and 15 year olds to 8 hours per day. These restrictions went out with the Supreme Court's decision on the triple A, January 6, 1936.

1937 The New York Assembly failed to ratify the Child Labor Amendment in spite of the poll of the Institute of Public Opinion which showed that 83 per cent of the people of the state were in favor of ratification. Texas also turned it down, a state which has more children employed than the three greatest industrial states of the nation combined. An appeal to the legislature stated that the low wage rates paid to the children are necessary to make cotton cheap enough to sell in the world's markets. Other states **failing to ratify** were Connecticut, Delaware, Georgia, Maryland, Massachusetts, Missouri, Nebraska, North Carolina, Rhode Island, South Dakota and Tennessee.

Kentucky, Nevada, New Mexico, and Kansas ratified, bringing the total up to 28. Thirty-six states must ratify before it becomes a law. Legislatures of South Carolina and Vermont were in session, but there was no action on the amendment. Florida, Georgia, and Louisiana may consider it in special session.

Nearly 40 bills affecting child labor have been introduced in Congress, some of them dealing only with the employment of children; others include child labor with general labor regulations. These bills are of two general types: (1) those modeled on the prison-

made goods regulation, forbidding the sale of goods made by children, (2) those which set up a national uniform minimum standard, prohibiting the shipments of goods in interstate commerce from any factory in which children had been employed in violation of that standard. The first requires supplementary legislation by the states, and there is little likelihood that the states would adopt uniform standards. The fact that their industries would have to compete with industries in states with low child labor standards makes many states unwilling to adopt adequate child labor standards.

1937

A new child labor amendment has been endorsed by the Senate Judiciary Committee. It fixes the age limit for children employed in industry at 16, instead of 18. This because of the strong feeling that hardships might result to many poor families if youths between the ages of 16 and 17 were prevented from becoming breadwinners. Another important feature is its omission of authority to Congress to "regulate" child labor. "Regulation," many feared, might open the way to Federal control of education and all activities of youth. As Congress nears adjournment of the 1937 Session, the Senate Committee has recommended the submission of the Amendment to conventions in the states instead of to the legislatures. It would become effective only if ratified within seven years. The amendment process provides a surer method of stamping out child labor than statutory legislation which might not stand the test of the courts.

